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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/801,349

03/16/2004

Joerg Moisel

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2086

30448

7590

04/13/2006

AKERMAN SENTERFITT

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EXAMINER

LEE, Y MY QUACH

ART UNIT

PAPER NUMBER

2875

DATE MAILED: 04/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/801,349

Applicant(s)

MOISEL, JOERG

Examiner

Lee Y Quach

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 17-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 26 and 32 is/are allowed.
- 6) ☒ Claim(s) 17-25 and 27-29 is/are rejected.
- 7) ☒ Claim(s) 30 and 31 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

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**DETAILED ACTION****Response to Arguments**

1. Applicant's arguments filed January 27, 2006 have been considered but are moot in view of the new ground(s) of rejection. Applicant has not completely responded to the drawing objection as recited in the previous office action. It should be noted that drawing figures 2 and 3 show the elements 5a connected to the cooling rod which is connected to the light source, the elements 5a *mechanically connected to the reflector* as claimed in claim 31, however, have not shown in these drawings. Objection to the drawing remains and follows.

**Drawings**

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the feature of "two or more flat elements are *mechanically connected to the reflector*" as claimed in claim 31 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

3. The new submitted drawing figure 1 of January 27, 2006 is objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference characters "6" and "7" not mentioned in the description.

Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not

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accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

4. Claims 28 and 29 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The term "insignificantly" is a relative term which renders the claims indefinite. The term "insignificantly" is not defined by the claims, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 17 to 25 and 27 to 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Siminovitch et al. in view of Holz et al. (prior art previously cited).

Siminovitch et al. disclose a reflector (2) naturally having a focal point, a light source (1, compact bulb) in the area of the focal point of the reflector, a transparent lens (5), a metal cooling element (7, column 4, line 25) thermally connected to the light source, extending from the light source to the lens and projecting into the lens or passing through the lens (figures 2, 7, 8 ...), the cooling element extending along a center axis of the reflector in the form of a rod (figures 2, 6, 7, 8 ...), the cooling element having one or more such as three essentially flat elements (11) running radially from the center axis, rotationally symmetrically about the center axis in the form of a star, and arranged on the side of the lens facing away from the light source. However, Siminovitch et al. does not disclose that the light source is a semiconductor light source emitting infrared radiation.

Holz et al. teach the use of a compact light source such as a semiconductor light source which emits infrared radiation for reducing the damage effect of light on the eyes or the optical

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nerves to improve safety. It is also known that incandescent, fluorescent and semiconductor light source such as light emitting diode light sources are interchangeable and/or can also be used in combination.

It would have been obvious to one skilled in the art to which the subject matter pertains to use the semiconductor light source in place of the light source of Siminovitch et al. to not only enhance reliability and longevity of the light source but also to reduce power consumption as well as for reducing the damage effect of light on the eyes or the optical nerves, as shown by Holz et al., to improve safety.

With regards to claim 24, since the cooling element (7) is metal or metals and the characteristic of the metal is any of several chemical elements that are usually shiny or lustrous solids, the metal is therefore partially or completely mirrored.

With regards to claims 25 and 27, it would have been an obvious matter of design choice to compose the metal of Siminovitch et al. aluminum, copper silver, iron or an alloy using such metals and not to have the same color as the reflector, since such a modification would have involved a mere change in the material and color of a component. A change in material and color is generally recognized as being within the level of ordinary skill in the art to effectively influence the amount and speed of the heat transfer and conduction as well as the aesthetical design between the element and the reflector to accommodate different applications.

With regards to claims 28 and 29, the term "insignificantly" is a relative and broad term, it does not provide a standard for the requisite degree, the element of Siminovitch et al. is therefore considered to be projecting insignificantly beyond the lens.

7. Claims 30 and 31 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. Claims 26 and 32 are allowed.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Y Quach Lee whose telephone number is 571-272-2373. The examiner can normally be reached on Tuesday and Thursday from 8:30 am to 4:30 pm.

Any inquiry of a general nature or relating to the status of this application or proceeding

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should be directed to the Customer Service whose telephone number is 571-272-2815.

Y. Q.  
April 4, 2006



Y Quach Lee  
Primary Examiner  
Art Unit 2875